



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

**January 30, 2007**

**8:30 A.M. ROLL CALL**

Invocation by Tyler McGlasson, President of the Bullard High School Branch of the Fresno Christian Athletes Club

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Presentation by Malcolm Dougherty of Caltrans of Excellence to Transportation Awards to the City Council and City Manager - **Presented**

Presentation of Resolution of Commendation to the Major Narcotics Unit and Special Operations Task Force – Mayor Autry – **Read and presented**

Proclamation of “GO RED FOR WOMEN – AMERICAN HEART MONTH” – Council President Perea and Councilmember Sterling **Read and presented**

Proclamation of "COMCAST CARES DAY" – Councilmember Calhoun – **Read and presented**

Presentation of Certificates of Recognition to the Mayor’s Tree Lighting Ceremony Committee – Mayor Autry - **Presented**

Proclamation of “THE BIG READ DAY” – Councilmember Sterling – **Read and presented**

Presentation of P.R.I.D.E. Team Certificates for the Winter Quarter (*Reception immediately following – 2<sup>nd</sup> floor foyer*) - **Presented**

Approve minutes of January 23, 2007

**Action Taken:** **Approved**

Councilmember Reports and Comments

**Action Taken** **Made**

Approve Agenda

**Action Taken:** **Approved**

Adopt Consent Calendar

**Action Taken:** **Adopted**

### **1. CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:30 P.M.

- A. \* [Approve agreement with Pinedale County Water District for transportation and treatment of sewage, and rescission of existing 1976 contract for sewer transportation and treatment - Department of Public Utilities and City Attorney's Office](#)

**Action Taken:** **Approved**

### **B. REMOVED FROM THE AGENDA**

- C. \* [Award a contract to George Dakovich and Son for the installation of an 8" water main in the Calaveras/ Blackstone alley from Bullard Avenue to Escalon Avenue \(\*Property located in District 2\*\) – Public Works Dept.](#)

**Action Taken:** **Awarded/\$114,104**

- D. \* [Award a requirements contract to West Coast Arborists, Inc., of Anaheim, California, for maintenance of the street tree component of the Municipal Forest \(Rebid\) – Public Works Dept.](#)

**Action Taken:** **Awarded/\$729,675**

- E. \* [Award a requirements contract to Calaveras Materials, Inc., of Fresno for a requirements contract for asphalt concrete – Public Works Dept.](#)

**Action Taken:** **Awarded/\$2,138,718.51**

1. **CONSENT CALENDAR CONTINUED**

- F. \* **RESOLUTION** - Approving Master Agreement for Federal-aid local transportation projects between the City of Fresno and the State of California, acting through its Department of Transportation (Caltrans) and authorizing execution of documents – Public Works Dept.  
**Action Taken:** Resolution No. 2007-29 adopted
- G. Approve application for and acceptance of grant award for \$225,400.00 from the Metropolitan Medical Response System (MMRS) grant program, through the County of Fresno, and authorize the Fire Chief to complete all required documents - Fire Dept.  
**Action Taken:** Approved
1. **RESOLUTION** - Authorizing the application for and acceptance of FY 2006 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness Metropolitan Medical Response System (MMRS) grant program funding, through the County of Fresno, and authorizing completion of documents  
**Action Taken:** Resolution No. 2007-30 adopted
2. \* **RESOLUTION** – 52nd amendment to AAR No. 2006-253 appropriating \$225,400.00 from the Metropolitan Medical Response System (MMRS) grant to the Fire Department to provide training, equipment, medical supplies and continuing program oversight **(Requires 5 affirmative votes)**  
**Action Taken:** Resolution No. 2007-31 adopted
- H. \* Approve 1st amendment to interim concession agreement for operation and maintenance of Camp Fresno and Camp Fresno Jr. at Dinkey Creek, California to Dennis and Kimberly Beard – PR&CS  
**Action Taken:** Approved
- I. \* **RESOLUTION** – 13<sup>th</sup> amendment to Salary Resolution No. 2006-257 modifying the wage structure of the Police Cadet temporary classifications – Personnel Services Dept.  
**Action Taken:** Resolution No. 2007-32 adopted
- J. **RESOLUTION** - Approving the Final Map of Tract No. 5614 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents **(Property located in Council District 2)** – Planning and Development Dept.  
**Action Taken:** Resolution No. 2007-33 adopted
- K. Consideration of proposed Dakota-Cornelia No. 2 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 50.3 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.
1. Affirm the action of the City Council of April 18, 2006, adopting environmental finding of Environmental Assessment No. R-05-40/T-5479 dated November 10, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130  
**Action Taken:** Affirmed
2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Dakota-Cornelia No. 2 Reorganization  
**Action Taken:** Resolution No. 2007-34 adopted
- L. \* Approve agreement between the City of Fresno and Townsend Public Affairs for lobbying services – City Manager's Office  
**Action Taken:** Approved
- M. \* Approve 1st amendment to the Lease Agreement between the City and Fresno's Chaffee Zoo Corporation – City Manager's Office  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- N. \* Authorize the Interim Chief Information Officer to execute an agreement with Professor Mike Canniff for the consent to publish and use case study as an educational exercise for students – Information Services Dept.  
**Action Taken:** Authorized
- O. \* Award a contract to Foster & Sons General Engineering Contractors, Inc. for the installation of street infrastructure in No Neighborhood Left Behind Area 96 (*Property located in District 7*) – Dept. of Public Utilities  
**Action Taken:** Awarded/\$518,950.75
- P. \* **BILL NO. B—3 (*Intro. 1/23/2007*) (*For adoption*)** - Amending Section 3-101 and 3-505 repealing subsection (h) of Section 3-105, and repealing and adding Section 3-109.1 of the Fresno Municipal Code relating to local preference in competitive procurement processes – Councilmember Dages  
**Action Taken:** New Bill No. B-11 introduced and laid over changing 25 mile radius to County boundary radius

2. **CITY COUNCIL**

- A. Establishment of Council subcommittee for Citywide street impact fees – Councilmember Westerlund  
**Action Taken:** Laid over one week
- B. Recommend City of Fresno staff evaluate and consider whether a local EITC might assist in addressing Fresno's poverty challenges – Councilmember Calhoun and Council President Perea  
**Action Taken:** Approved
- C. \* Approval of an agreement between City of Fresno and H&R Block for Outreach Program to assist low and moderate income residents with tax form preparation - Council President Perea  
**Action Taken:** Approved
- D. \* **BILL NO. B-179 – (*Intro. 12/12/2006*) – (*For adoption*)** - Amending Section 12-611 to the Fresno Municipal Code relating to Council District Plan Implementation Committees – Councilmember Duncan  
**Action Taken:** Ordinance No. 2007-11 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

9:15 A.M. **GENERAL ADMINISTRATION**

10:00 A.M.#1 **CONTINUED HEARING** to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control (**Hearing cancelled – will be re-noticed**) – Public Works Dept.  
**Action Taken:** Hearing cancelled – to be re-noticed

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:00 A.M.#2** **WORKSHOP** regarding emergency medical services provided by the Fresno Fire Department and American Ambulance – Councilmember Calhoun - **Held**

**10:45 A.M.** **HEARING** to consider an override of the Fresno County Airport Land Use Commission (ALUC) determination and consideration of Rezone Application No. R-06-48, and environmental findings, filed by Milton Barbis, pertaining to approximately 4.49 acres of property located on the southeast corner of N. Cedar Avenue and E. Hampton Way. *(Property located in District 4)* – Planning and Development Dept.

**Action Taken:** **Held**

a. Consider and adopt Environmental Assessment No. R-06-48/S-06-264, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:** **Adopted**

b. **RESOLUTION** – Consider overriding the Fresno County Airport Land Use Commission's (ALUC) determination of inconsistency with adopted plans and policies regarding Rezone Application No. R-06-48 *(Requires 5 affirmative votes)*

**Action Taken:** **Resolution No. 2007-35 adopted**

c. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (*Single Family Residential-Agricultural*) zone district to the C-P/cz (*Administrative and Professional Office/conditions of zoning*) zone district

**Action Taken:** **Bill No. B-9/Ordinance No. 2007-9 adopted**

**10:50 A.M.** **CONTINUED HEARING** to consider Rezone Application No. R-05-82, and environmental findings, filed by Louie's LLC, pertaining to approximately 3.30 gross acres of property located on the south side of E. Illinois Avenue between N. Minnewawa and N. DeWitt Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency formation Commission (LAFCO) is the responsible agency *(Property located in District 5)* – Planning and Development Dept.

**Action Taken:** **Adopted**

a. Consider and adopt Environmental Assessment No. R-05-82/T-5585, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:** **Adopted**

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1 (*Single Family Residential*) zone district

**Action Taken:** **Bill No. B-10/Ordinance No. 2007-10 adopted**

**2:30 P.M. #1** **CONTESTED CONSENT CALENDAR**

**2:30 P.M. #2** **CLOSED SESSION**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957

**Title:** City Clerk

**Action Taken:** **Held**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:30 P.M. #2** **CLOSED SESSION CONTINUED**

**B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

1. **Case Name:** Stephen Salvadore Gamboa, et al. v. City of Fresno, et al.
2. **Case Name:** Pizzo v. City of Fresno, Fresno Metropolitan Flood Control District

**Action Taken:** Held

**C. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** Government Code Section 54956.9, Subdivision(c)

1. **Case Name:** The City of Fresno v. The Discovery Center

**Action Taken:** Held

**3:00 P.M.** **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

### **AGENCY GENERAL CONSENT CALENDAR**

**A. RESOLUTION -** Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions **(Council and Agency action)** – City Clerk's Office

**Action Taken:** Joint Resolution Nos. 2007-36/1691 adopted

**ADJOURN**

**4:00 P.M.** **CONTINUED HEARING** to consider Council district re-determination report and introduction of ordinance to adopt new Council district boundaries – Planning and Development Dept.

**Action Taken:** Held

**A. BILL - (For introduction)** - Relating to the modification of boundaries of the Council districts of the City of Fresno

**Action Taken:** Bill No. B-12 introduced/laid over

**CONTINUE MEETING TO THURSDAY, FEBRUARY 1, 2007 AT 9:00 A.M. AT THE NEW EXHIBIT HALL, 848 "M" STREET ROOM 2015 – 2018, RELATING TO THE FOLLOWING:**

**JOINT MEETING** with Fresno County to discuss public safety integration

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Feb.	6 -	8:30 A.M.	Discussion re: a new airline
Feb.	6 -	10:00 A.M.	<b>HEARING</b> re: the vacation of a portion of S. Crystal Avenue south of Whitesbridge Avenue
Feb.	6 -	10:15 A.M.	<b>HEARING</b> to consider the vacate a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue <b>(Located in District No. 2)</b>
Feb.	6 -	10:30 A.M.	<b>TEFRA HEARING</b> re: Oak Park Senior Villas
Feb.	6 -	10:45 A.M.	<b>TEFRA HEARING</b> re: Tanager Springs Apartments
Feb.	6 -	10:50 A.M.	Determination of consistency with the Fresno Yosemite International Airport Environs Plan as related to residential development located within the adopted 65 Community Noise Equivalent Level (CNEL) for property located on the northeast corner of N. Cedar and E. Gettysburg Avenue <b>(Property located in District 4)</b> – Planning and Development Dept.
Feb.	6 -	2:30 P.M.	<b>WORKSHOP</b> to discuss by Navigant Consulting in regards to the report investigating the strategy development and financial analysis in the formation of a special utility district (Phase 2) – Department of Public Utilities
Feb.	6 -	4:30 P.M.	<b>HEARING</b> re: Plan Amendment No. A-06-22, Environment Assessment No. 06-37 (Pinedale Neighborhood Plan)

<b>SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED</b>			
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Feb.	13 -	<b>NO MEETING</b>	
Feb.	20 -	<b>NO MEETING – PRESIDENT’S DAY</b>	
Feb.	27 -	<b>10:00 A.M.</b>	<b>TEFRA HEARING</b> re: mobilehome park revenue re-funding
Feb.	27 -	<b>10:15 A.M.</b>	<b>CONTINUED HEARING re:</b> traffic signal and street impact fees
Feb.	27 -	<b>10:45 A.M.#1</b>	<b>HEARING</b> to annex Final Tract No. 5424 to the City of Fresno Community Facilities District No. 2, Annexation No. 133 ( <b><i>Located in District No. 4</i></b> )
Feb.	27 -	<b>10:45 A.M.#2</b>	<b>HEARING</b> to consider annexation of Final Tract No. 5312 to the City of Fresno Community Facilities District No. 2, Annexation No. 134 ( <b><i>Located in District 4</i></b> )
Feb.	27 -	<b>5:00 P.M.#1</b>	<b>HEARING to</b> consider proposed rate increase for water utility service
Feb.	27 -	<b>5:00 P.M.#2</b>	<b>HEARING to</b> consider proposed rate increase for wastewater/sewer utility service
Feb.	27 -	<b>5:00 P.M.#3</b>	<b>HEARING to</b> consider proposed rate increase for solid waste utility service
Mar.	27 -	<b>10:00 A.M.</b>	<b>CONTINUED HEARING</b> to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth are major street impact fees – Public Works Dept.
Mar.	27 -	<b>10:15 A.M.</b>	<b>HEARING</b> re: Approving the formation of UUD No. FRE-60 (Ventura Street betw. “M” St and State Route 99)